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May 27, 2015

VIA ECF

Justice Sandra L. Townes, U.S.D.J.
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Brown v. Marriott International, Inc.
Docket No.: 14 CV 5960 (SLT)(MDG)
Our File No.: 105-18017
Handling Attorneys: Paul A. Fino, Jr. and Daniel M. Stewart

Dear Judge Townes:

This letter is written in response to plaintiff's motion seeking a pre-motion conference relating to discovery matters. Initially, we note that Magistrate Go is overseeing discovery in this case, and plaintiff's request should have been directed to Her Honor.

Without delving too deeply into the plaintiff's discovery demands, and the defendant's responses thereto, suffice to say that plaintiff's demand were largely overbroad, unduly burdensome, and not reasonable tailored to elicit discovery that is relevant in this case. Furthermore, plaintiff is seeking discovery responses from at least one entity over which the defendant has no ownership interest or control. Defendant provided responses to plaintiff's demands which were proper, and otherwise objected to the demands which were not.

In addition, as the Court is aware, plaintiff's request to issue an amended complaint was only recently granted. Defendant's time to respond to that complaint, which includes new theories of agency, equitable estoppel, and punitive damages, has not yet expired. As indicated in plaintiff's letter to Your Honor, her demands are supposedly drafted with those theories in mind, but defendant has not answered, or taken other affirmative action with regard to the amended complaint. As the Southern District recently observed, Rule 8 of the Federal Civil Procedure provides a more generous pleading standard "but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions". Dumont v. Litton Loan Servicing LP, 2014 U.S. Dist. LEXIS 26880, *14 (SDNY 2014).

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To the extent Your Honor chooses to entertain plaintiff's request, defendant stands ready to address it at the Court's convenience.

Very truly yours,

WHITE FLEISCHNER & FINO, LLP



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